

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2052 of 1986

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
  2. To be referred to the Reporter or not? No.
  3. Whether Their Lordships wish to see the fair copy of the judgement? No.
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
  5. Whether it is to be circulated to the Civil Judge? No.
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BHARAT M PATEL

Versus

MUNICIPAL COMMISSIONER

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Appearance:

MR. H.B. SHAH, Advocate, for Petitioners

MR. B.P. TANNA, Advocate, Respondents.

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 02/09/96

ORAL JUDGEMENT

The petitioners herein are Assistant Engineers employed in the Engineering Department of the Respondent Corporation.

2. Under the order dated 7th April 1986 the petitioners were asked to replace Assistant Engineers

working in the Octroi Department. In other words, the petitioners were transferred as Assistant Engineers in the Octroi Department of the Respondent Corporation. Feeling aggrieved the petitioners have preferred above petition and have contended that they were appointed in the Engineering Department and they could have not been transferred to other Department under the Corporation.

3. Considering the rival contentions of both the parties, this Court by the order dated 25th April 1986 admitted the petition. However, relying upon the statements made on behalf of the respondents to the effect that the impugned order of transfer was made by way of stop gap arrangement and shall not affect seniority, pay and other benefits of the petitioners, had refused to grant interim relief. It was further stated on behalf of the respondents that the said arrangement was temporary for six months and on completion of that period the petitioners would be sent back to their parent department.

4. In view of the above statements recorded by this Court earlier on 25-4-1986 and in view of refusal of interim relief at the relevant time, the matter at issue in this petition has become academic. This petition is, therefore, not required to be considered on merits. The petition is accordingly disposed of. Rule is discharged. There shall be no order as to cost.